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Attorneys for Plaintiff
INDEPENDENCE EXCAVATING, INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

INDEPENDENCE EXCAVATING, INC., an)	Case No. 2:22-cv-00182-WBS-KJN
Ohio Corporation,)	
)	STIPULATION OF DISMISSAL WITHOUT
Plaintiff,)	PREJUDICE; ORDER
)	
v.)	
)	
GUNTERT & ZIMMERMAN, CONST. DIV.)	
INC., a California Corporation,)	
)	
Defendant.)	

Plaintiff Independence Excavating, Inc. and Defendant Guntert & Zimmerman, Const. Div. Inc. a California Corporation, submit this Joint Stipulation of Dismissal without Prejudice. Plaintiff has received payment from Defendant for the amount due and owing. Based on the foregoing, the parties respectfully request that the Court dismiss all pending claims in this case without prejudice, with each party bearing its own attorneys' fees and costs.

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DATED: April 21, 2022

TUCKER ELLIS LLP

By: /s/ Kaitlyn N. Pangburn
Kaitlyn N. Pangburn
Dina Lupancu (Admitted *Pro Hac Vice*)
Attorneys for Plaintiff
INDEPENDENCE EXCAVATING, INC.

DATED: April 21, 2022

NEUMILLER & BEARDSLEE

By: /s/ Paul N. Balestracci (as authorized on April 21, 2022)
Paul N. Balestracci
Attorneys for Defendant
GUNTERT & ZIMMERMAN CONST. DIV. INC.


ORDER

PURSUANT TO STIPULATION, IT IS ORDERED:

All pending claims in this case are hereby DISMISSED without prejudice with each party to pay its own legal fees and expenses.

IT IS SO ORDERED.

Dated: April 22, 2022



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE